

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

MARTIN DALE DAVIS,)
)
 Plaintiff,)
)
 v.) Case No. 3:18-05103-CV-RK
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)
BARRY COUNTY, MISSOURI, et al.)
)
)
 Defendants.)

FIRST AMENDED SCHEDULING AND TRIAL ORDER

JURY TRIAL

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and upon consideration of the parties' views in the matter, the following schedule is hereby established:

I. DISCOVERY PLAN AND SCHEDULING DEADLINES

Discovery Plan and Scheduling	Guidelines	Deadlines
Joinder of Parties	30 days before discovery deadline	6/3/2019
Amendment of Pleadings	30 days before discovery deadline	6/3/2019
Plaintiff Expert Designation	60 days before discovery deadline	5/3/2019
Defendant Expert Designation	30 days after Plaintiff Expert deadline	6/3/2019
Rebuttal Expert Designation	14 days before discovery deadline	6/18/2019
Discovery Dispute Motions	At least 14 days before discovery deadline	6/18/2019
Completion of Discovery (both fact and expert discovery)	180 days from this proposed order (Local Rule 26.1(c)2)	7/2/2019
Dispositive Motions	30 days after discovery deadline	8/1/2019

II. COURT CONFERENCES AND TRIAL DATE

Court Setting	Guidelines	Date	Time
Court Status Conference Date (Springfield courthouse)	30 days before discovery deadline	6/7/2019	2:00 p.m.
Initial Pretrial Conference Date (Springfield courthouse)	30 days before trial	12/6/2019	1:00 p.m.
Final Pretrial Conference Date (Springfield courthouse)	Thursday or Friday before trial	1/3/2020	1:00 p.m.
Trial Date (Springfield courthouse)	150 days from dispositive motion deadline	1/6/2020	8:30 a.m.

III. PRETRIAL AND TRIAL FILING DEADLINES

Pretrial and Trial Documents	Deadlines
Motions in Limine	14 days prior to initial pretrial conference
Responses to Motions in Limine	7 days prior to initial pretrial conference
Deposition Designations	14 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Objections to Deposition Designations	10 days prior to initial pretrial conference
Cross-Exam Deposition Designations	10 days prior to initial pretrial conference
Objections to Cross-Exam Deposition Designations	7 days prior to initial pretrial conference
Stipulation of Uncontested Facts	3 days prior to initial pretrial conference (Local Rule 40.1)
Stipulation of Admissibility of Evidence	3 days prior to initial pretrial conference
Witness List	3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Exhibit List	3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Jury Instructions (if jury trial)	14 days prior to trial (Local Rule 40.1 and 51.1)
Trial Briefs	5 days prior to trial (Fed. R. Civ. P. 26(a)(3))
Voir Dire (if jury trial)	5 days prior to trial (Fed. R. Civ. P. 26(a)(3))

IV. CHAMBERS' PROTOCOL

1. COURT CONFERENCES. (*See Section II above*). Generally, conferences in Western and St. Joseph Division cases are held at the U.S. District Courthouse in Kansas City, Missouri. Conferences in cases pending in all other divisions (Central, Southern, and Southwestern) are generally held via telephone.

2. DISCOVERY DISPUTES. Any discovery motion filed without complying with Local Rule 37.1 will be denied. In the event that a teleconference is needed, contact the Court at (816) 512-5110. Parties are to utilize the discovery dispute protocol on the Court's web page at www.mow.uscourts.gov/judges/ketchmark.

3. EXPERT WITNESSES. Expert witnesses include retained experts as well as fact witnesses from whom expert opinions will be elicited at trial.

For expert witnesses identified in Fed. R. Civ. P. 26(a)(2)(B), the designation shall include an affidavit, containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi). Expert witnesses may testify only as to matters contained in the affidavit described above unless leave of Court is granted upon good cause shown. If a treating physician will testify beyond the treatment they provided, they shall also provide an affidavit containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi).

However, if a treating physician will testify only as to treatment they provided, the requirements of this section may be satisfied by providing a copy of all the treating physician's files, records and notes relating to the treating physician's patient to the opposing party. For the purpose of this paragraph, a "treating physician" is a doctor (including psychiatrist, dentist or other practitioner of the healing arts) retained by a party prior to retaining counsel in this matter.

4. COMPLETION OF DISCOVERY. All discovery requests and depositions shall be submitted and/or scheduled prior to the deadline for completion of discovery, and shall allow sufficient time for completion within the time specified by the Federal Rules of Civil Procedure, the Local Rules, and/or orders of this Court.

5. SUMMARY JUDGMENT MOTIONS. All motions for summary judgment shall comply with Local Rules 7.0 and 56.1. The response and reply shall set forth (restate) each statement of fact, and additional statement of fact, utilizing the original paragraph number immediately before admitting or denying factual statements.

The Court further **ORDERS** Plaintiff to serve a copy of this Order on all Defendants who have not yet been served with process if and when process is served.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: December 28, 2018